

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KERRY CUMMING,

Plaintiff,

-vs-

NO: 1:17-cv-00376 KG-KBM

QUESTA SCHOOLS BOARD OF EDUCATION and QUESTA
INDEPENDENT SCHOOLS,

Defendants.

DEPOSITION OF KERRY CUMMING

November 27, 2017

9:00 a.m.

3777 The American Road, NW
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: DESIREE GURULE
ATTORNEY FOR DEFENDANTS

REPORTED BY: Jan Gibson, CCR, RPR, CRR
Paul Baca Court Reporters
500 Fourth Street, NW - Suite 105
Albuquerque, New Mexico 87102

EXHIBIT

D

1 A. Yes.
 2 Q. And where did you mail it from?
 3 A. I assume Edmond.
 4 Q. And going to Page 6 of the application
 5 itself, so it would be the seventh page in Exhibit
 6 2. There's a section for notary.
 7 A. Yes.
 8 Q. And did you actually have the document
 9 notarized?
 10 A. Yes, I did.
 11 Q. That says it was done in the state of
 12 Oklahoma on the 18th of July, 2012; is that right?
 13 A. Yes.
 14 Q. So does that help refresh your memory
 15 about where you had this application completed?
 16 A. Yes. It was in Oklahoma, in Edmond.
 17 Q. All right. In Edmond. So at that point
 18 had you moved to Taos?
 19 A. I had partially moved to Taos.
 20 Q. What action had you taken to move to Taos
 21 at that time?
 22 A. I had moved my pets out there and I had
 23 moved a carload of stuff out there.
 24 Q. What kind of pets did you have?
 25 A. Two cats.

1 Q. And was there someone caring for your cats
 2 while you were in Edmond?
 3 A. No, I drove back and forth with them.
 4 Q. Now, after you submitted the application
 5 to Questa Schools in July of 2012, were you selected
 6 for an interview?
 7 A. Yes, I was.
 8 Q. And did you, in fact, interview at Questa
 9 Schools?
 10 A. Yes, I did.
 11 Q. And do you know, was there a panel of
 12 people on the interview committee or hiring
 13 committee?
 14 A. Yes.
 15 Q. And how many people, to your recollection,
 16 were there on that committee?
 17 A. There were two administrators, two or
 18 three elementary teachers and one parent.
 19 Q. And do you remember their names?
 20 A. Martha Sanchez was the principal for the
 21 elementary school, Valerie Trujillo was there as the
 22 principal of the high school, and I don't recall any
 23 of the teachers' names or the parents'.
 24 Q. Do you remember how many elementary
 25 teaching positions Questa had open during that time

1 period?
 2 A. They just said elementary teacher. They
 3 didn't specify what or how many.
 4 Q. So at that time that you interviewed at
 5 Questa Public Schools, did you have specific
 6 knowledge about how many elementary school teaching
 7 positions were vacant at the school at that time or
 8 at the school district at the time?
 9 A. No, I had no idea.
 10 Q. Apart from your interview, did you have
 11 communication with either Martha Sanchez or Valerie
 12 Trujillo prior to the interview?
 13 A. Ms. Sanchez called me the day before and
 14 asked me to come to the interview.
 15 Q. Did you have any other communications with
 16 Ms. Sanchez prior to the interview?
 17 A. I don't recall. I did call once and asked
 18 what the opening was, but I don't know who I spoke
 19 to and they didn't know what it was. So I tried to
 20 find out.
 21 Q. Okay. And after your interview -- let me
 22 actually go back. Did you have any communications
 23 before your interview with Valerie Trujillo?
 24 A. No.
 25 Q. Did you have any communications before

1 your interview with Roy Herrera?
 2 A. No.
 3 Q. Were you offered a position at the Questa
 4 Schools after your interview in 2012?
 5 A. I was offered three different positions.
 6 Q. How did that go? Let me clarify my
 7 question. Who offered you a position?
 8 A. Mr. Herrera offered me a job at Costilla.
 9 Q. Is that Rio Costilla?
 10 A. Yes, it is.
 11 Q. That's an elementary school, correct?
 12 A. I think it might go through middle school
 13 but I'm not sure what grade it goes to.
 14 Q. So a school that goes through elementary
 15 to middle school?
 16 A. Maybe. I'm not sure.
 17 Q. Was that Mr. Roy Herrera?
 18 A. Yes, it was.
 19 Q. Were you offered any other positions at
 20 Questa Schools?
 21 A. Yes. Ms. Sanchez offered me a position
 22 teaching third grade at Alta Vista.
 23 Q. When did that occur?
 24 A. On Saturday. I interviewed on Wednesday,
 25 I think, Tuesday or Wednesday, and I talked to

1 her -- actually, Friday she did it. She called me
 2 Friday and offered me third grade at Alta Vista.
 3 And Saturday she said she had a second option. I
 4 could either have the third grade at Alta Vista or I
 5 could teach fourth/fifth/sixth grade math at Alta
 6 Vista.

7 Q. I'm sorry, what was the other option?

8 A. Fourth, fifth and sixth grade math at Alta
 9 Vista and it was my choice.

10 Q. When did Mr. Roy Herrera offer you a
 11 position at Rio Costilla Elementary?

12 A. He called the day after the interview and
 13 Ms. Sanchez was on the line and that's when he
 14 offered me a job at Rio Costilla.

15 Q. And when Ms. Sanchez called you, how many
 16 days after your interview had that been?

17 A. Probably two days. Excuse me, I want to
 18 go back. Which time that she called?

19 Q. You said she called you on a Friday and a
 20 Saturday, correct?

21 A. Well, she was on the line with Mr. Herrera
 22 when they offered me the Costilla job. I talked to
 23 her the next day on the phone. Friday she called me
 24 back and offered me the third grade job and we met
 25 in person in Questa, and then Saturday she called me

1 culture of the school, how many copies scanners
 2 make. You know, just teacher questions: How many
 3 kids are in the classroom, how long is your plan
 4 time.

5 Q. And during that visit did you discuss the
 6 position at Rio Costilla at all?

7 A. No, that never came up that day.

8 Q. What else happened during that meeting or
 9 visit with Ms. Sanchez?

10 A. We met in the front door and went inside.
 11 It was about 4:30 so there was no one around and she
 12 showed me the office and the library and toured
 13 through the classrooms. And she showed me two
 14 classrooms that were empty and she said, "One of
 15 these will be the third grade classroom." And she
 16 showed me the gym and all around, and I asked her if
 17 I could have a few teacher's manuals and she gave me
 18 a few teacher's manuals and she went over the
 19 professional development schedule for the next week
 20 and told me what we would be doing each day for
 21 professional development.

22 I asked her if she had a contract and she
 23 said I would sign the following week when the
 24 teachers all arrived, and I accepted the job and I
 25 asked her if it was definite and she said yes.

1 again.

2 Q. So Friday you met in person?

3 A. Yes.

4 Q. Who was present for that meeting?

5 A. Ms. Sanchez and myself.

6 Q. Where did you meet her?

7 A. At Alta Vista Elementary.

8 Q. When we say Ms. Sanchez, are we referring
 9 to Ms. Martha Sanchez?

10 A. Yes.

11 Q. Okay. And during that meeting with
 12 Ms. Sanchez when you met in person with her, did you
 13 tour the school?

14 A. Yes.

15 Q. What was the reason for the tour of the
 16 school?

17 A. Well, she had called me Friday morning and
 18 said, "I now have a third grade teaching position
 19 open at Alta Vista. Will you accept this job?" And
 20 I said I would like to meet with her and see the
 21 school and ask questions.

22 Q. And did you do that?

23 A. Yes, we did.

24 Q. What questions did you ask?

25 A. I wanted to just get a feel for the

1 Q. And did you ever confirm that with
 2 Mr. Herrera?

3 A. I had no communication with Mr. Herrera
 4 from that one phone call early in the week until
 5 Monday when he rescinded my job. I was only
 6 communicating with Ms. Sanchez.

7 Q. So Mr. Herrera called you the day after
 8 your interview; is that right?

9 A. Yes.

10 Q. And he offered you a position at Rio
 11 Costilla school, correct?

12 A. Yes.

13 Q. What was your response to that offer?

14 A. Well, I was surprised, and I said I didn't
 15 know that Costilla was part of Questa, but
 16 Ms. Sanchez was on the line so I made arrangements
 17 to meet with her the next day and told her I would
 18 think about it and she could take me and show me
 19 that school and I could check it out.

20 Q. Which school?

21 A. Rio Costilla. I was going to go with her
 22 to Rio Costilla.

23 Q. So you said you would think about
 24 accepting the Rio Costilla job?

25 A. Yes.

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1 A. On Friday we talked in person.
 2 **Q. That was during the tour of Alta Vista**
 3 **Schools?**
 4 A. Uh-huh.
 5 **Q. Is that a yes?**
 6 A. Yes.
 7 **Q. After the conversations on Saturday, were**
 8 **there any further conversations with Ms. Sanchez?**
 9 A. Well, she just told me to report to school
 10 on Monday. Friday she told me about the
 11 professional development schedule but she hadn't
 12 told me anything about it Monday, and when I talked
 13 to her on Saturday she told me Monday morning to be
 14 at new employee training at 9:00 o'clock at the
 15 administrative center or the building, and she told
 16 me to also go back into Alta Vista and pick which of
 17 the rooms I wanted for third grade before the
 18 meeting so she would know.
 19 **Q. And that was prior to the new employee**
 20 **training?**
 21 A. Yes. She told me to be there early so I
 22 maybe got there at 7:30 or so and the building was
 23 open and I went back to those two rooms to decide
 24 which one I wanted for my classroom.
 25 **Q. Was anybody in the building when you went**

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1 **there?**
 2 A. When I got into -- there was no one in the
 3 office and I sat there a few minutes because I
 4 didn't know if I should be walking through the
 5 building, but it was open and nobody was in the
 6 office and it was dark. So I walked back to the two
 7 rooms and I chose which one I wanted and a couple of
 8 men walked in while I was in there.
 9 **Q. Did they identify themselves?**
 10 A. Not that I recall. I introduced myself
 11 but I don't believe they said their names.
 12 **Q. Did they ask why you were there?**
 13 A. No, I told them I was the new third grade
 14 teacher.
 15 **Q. Was there further conversation with these**
 16 **two gentlemen?**
 17 A. Well, they just seemed surprised but I
 18 didn't say anything because I figured they just
 19 hadn't heard that I had just been hired, so I just
 20 was pleasant and didn't say anything else.
 21 **Q. After that where did you go?**
 22 A. I went to the new employee orientation.
 23 **Q. What time did you arrive?**
 24 A. Sometime before 9:00 o'clock or whenever
 25 it started. I got there -- I was one of the first

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1 people in the room.
 2 **Q. Did you have any conversation with**
 3 **Ms. Sanchez before the new employee orientation**
 4 **began?**
 5 A. I didn't see her around at all.
 6 **Q. So is that a no?**
 7 A. What was the question?
 8 **Q. Did you have any conversation with**
 9 **Ms. Sanchez at all before the new employee**
 10 **orientation began?**
 11 A. No, I did not.
 12 **Q. Did you have any conversation prior to the**
 13 **new employee orientation beginning that day with**
 14 **Mr. Herrera?**
 15 A. No.
 16 **Q. Did you have any conversation prior to the**
 17 **new employee orientation beginning that day with**
 18 **Ms. Valerie Trujillo?**
 19 A. No.
 20 **Q. Did the new employee orientation begin at**
 21 **some point that day?**
 22 A. Yes.
 23 **Q. Did you stay for the entire employee**
 24 **orientation?**
 25 A. No.

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1 **Q. At what time did you leave the**
 2 **orientation?**
 3 A. It was around 10:00. Can I say one thing?
 4 **Q. Yes, ma'am.**
 5 A. The time the orientation started, I don't
 6 remember the exact time but I know I was one of the
 7 first ones in the room. I don't remember exactly
 8 but I thought it was 9:00 o'clock.
 9 **Q. And you left around 10:00 a.m.?**
 10 A. Yes.
 11 **Q. What was the reason that you left?**
 12 **A. Well, Cici Romo came in and walked all the**
 13 **way through the room and told me to gather my things**
 14 **and come see Mr. Herrera.**
 15 **Q. Cici Romo, you said?**
 16 A. Yes.
 17 **Q. Who was Cici Romo?**
 18 A. I think she was the receptionist.
 19 **Q. What happened at the beginning? How did**
 20 **the orientation begin?**
 21 A. Mr. Herrera was in there and he greeted
 22 everyone and he was new also, but he had us each
 23 stand up and introduce ourselves and what our jobs
 24 were, and that's how it started.
 25 **Q. And did you stand up?**

22 (Pages 82 to 85)

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1 A. Yes, I did.
 2 **Q. How did you introduce yourself?**
 3 A. I said, "I'm Kerry Cumming and I'm the new
 4 third grade teacher at Alta Vista."
 5 **Q. And after that what happened?**
 6 A. Well, the meeting continued and about
 7 10:00 o'clock he turned it over to someone -- it may
 8 have been from the State of New Mexico but someone
 9 talking about child abuse to go through information.
 10 So he left and I stayed and started taking notes on
 11 the child abuse information.
 12 **Q. All right. So Mr. Herrera left around**
 13 **10:00 a.m.?**
 14 A. I think I was called out about 10:00 a.m.
 15 so he probably left earlier than that because we had
 16 already gotten into the child abuse talk.
 17 **Q. Was Ms. Sanchez at the orientation?**
 18 A. No, I didn't see her.
 19 **Q. Was Ms. Valerie Trujillo present?**
 20 A. I don't recall seeing either of them.
 21 **Q. So around 10:00 a.m.? Or was it before**
 22 **that?**
 23 A. I think it was around 10:00 that they came
 24 in and asked me to come talk to Mr. Herrera.
 25 **Q. That was Ms. Cici Romo?**

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1 A. Yes.
 2 **Q. What was the conversation with her at that**
 3 **time?**
 4 A. With Cici?
 5 **Q. Yes, ma'am.**
 6 A. She just whispered, "Bring your things.
 7 Mr. Herrera needs to see you." Something like that.
 8 **Q. Did you go see Mr. Herrera?**
 9 A. Yes, I gathered up my things and had to
 10 walk across in front of everybody.
 11 **Q. And was the orientation held in the**
 12 **administration building?**
 13 A. Yes.
 14 **Q. Was Mr. Herrera's office located in the**
 15 **administration building?**
 16 A. Yes, it was.
 17 **Q. Who was present when you met with**
 18 **Mr. Herrera?**
 19 A. Just the two of us.
 20 **Q. What was the discussion?**
 21 A. He said, "I have to rescind your third
 22 grade job. Something's come up."
 23 **Q. Did he say anything else?**
 24 A. Yes.
 25 **Q. What else did he say?**

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1 A. I asked him some questions.
 2 **Q. What questions?**
 3 A. I said, "Why?" And he said, "I can't tell
 4 you."
 5 And I said, "Have I done something wrong?"
 6 And he said, "No."
 7 And I said, "Did one of my references say
 8 something bad about me?" And he said no, the
 9 problem was on his side.
 10 And I said, "Then what is it?" And he
 11 said, "I can't tell you."
 12 **Q. Was there any discussion additional to**
 13 **that?**
 14 A. Yes.
 15 **Q. What was the additional discussion?**
 16 A. He offered me Costilla again and I told
 17 him I just -- it was too far. And I said I could
 18 have car trouble and he said, "Well, I'll come pick
 19 you up." And I said it just wouldn't work for what
 20 I needed, and he said he would write me a reference
 21 letter.
 22 And I said, "I have plenty of reference
 23 letters and you don't even know me." He said,
 24 "You're right. We'll pay you for one day of work."
 25 I just -- I was in tears and I finally just left

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1 because they wanted me to leave.
 2 **Q. Did he tell you he wanted you to leave?**
 3 A. No, he was walking me to the door as he
 4 told me he would do the reference letter and he
 5 would pay me and he was walking me to the door.
 6 **Q. Was that after he offered to pick you up**
 7 **if you had car trouble?**
 8 A. Say the question again, please.
 9 **Q. Was he walking you to the door after he**
 10 **offered to pick you up if you had car trouble?**
 11 A. Yes.
 12 **Q. And do you need a break?**
 13 A. No, I'm fine.
 14 **Q. All right. You said Mr. Herrera had not**
 15 **been with the district very long when you first**
 16 **started there; is that right?**
 17 A. He was new.
 18 **Q. All right. I'm going to hand you what we**
 19 **will mark as Exhibit 3 to your deposition.**
 20 (Note: Exhibit 3 marked.)
 21 **Q. Please look this over and let me know when**
 22 **you have reviewed it and I will ask you some**
 23 **questions. Have you had time to review this**
 24 **document?**
 25 A. Yes, ma'am.

23 (Pages 86 to 89)

<p style="text-align: right;">Page 98</p> <p>1 A. I went home and looked it up in the</p> <p>2 dictionary.</p> <p>3 Q. And at that point had you actually signed</p> <p>4 any kind of job offer?</p> <p>5 A. No.</p> <p>6 Q. And at the point that you met with</p> <p>7 Mr. Herrera, had you been offered three positions at</p> <p>8 Alta Vista?</p> <p>9 A. One at Costilla, two at Alta Vista.</p> <p>10 Q. And what happened to the fourth through</p> <p>11 sixth grade position at Alta Vista?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you accept that position?</p> <p>14 A. No, I was given -- Ms. Sanchez gave me the</p> <p>15 option of third or fourth, fifth and sixth and I</p> <p>16 told her I preferred third.</p> <p>17 Q. When you met with Mr. Herrera, did you ask</p> <p>18 him about the fourth through sixth grade position?</p> <p>19 A. I didn't.</p> <p>20 Q. Looking at Exhibit 6, there's an e-mail</p> <p>21 after the typed statement or typed letter to the</p> <p>22 EEOC.</p> <p>23 A. Yes.</p> <p>24 Q. This one looks like it's from you to you;</p> <p>25 is that right?</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Do you have any reason to believe that you</p> <p>2 did not write this e-mail to yourself on Tuesday,</p> <p>3 August 14, 2012?</p> <p>4 A. I don't have any reason.</p> <p>5 Q. I'm going to hand you what we'll mark as</p> <p>6 Exhibit 7 to your deposition.</p> <p>7 (Note: Exhibit 7 marked.)</p> <p>8 Q. Please review it, let me know when you've</p> <p>9 reviewed it and I will ask you some questions.</p> <p>10 A. Yes.</p> <p>11 Q. Did you prepare this document?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And this appears to go from -- it appears</p> <p>14 to indicate jobs from March of 2012 through</p> <p>15 5/8/2013; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you prepare this document?</p> <p>18 A. Yes, I did.</p> <p>19 Q. All right. On the next page of Exhibit 7</p> <p>20 on the last entry, 5/8/13, it states, "I have</p> <p>21 applied for over 50 jobs in six different</p> <p>22 districts," and the 50 is crossed through and in</p> <p>23 handwriting there's a 53 written above it. Do you</p> <p>24 see that?</p> <p>25 A. Yes, I do.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Right. I was just documenting.</p> <p>2 Q. So is this your timeline of events?</p> <p>3 A. Yes, it is.</p> <p>4 Q. And did you write this document?</p> <p>5 A. I did.</p> <p>6 Q. And I believe I might be missing some</p> <p>7 pages. It goes through 4 of 6 on here. Or was this</p> <p>8 the whole thing?</p> <p>9 A. I don't recall. I would have to look.</p> <p>10 Q. Okay.</p> <p>11 A. And see. It could have been a blank page</p> <p>12 at the end but I don't know. I would have to check.</p> <p>13 I'm sorry.</p> <p>14 Q. That's okay. I'm just trying to see where</p> <p>15 I'm at here. So at this point, this one is dated</p> <p>16 August 14, 2012; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the date that you prepared this</p> <p>19 e-mail?</p> <p>20 A. I prepared it and I printed it off again,</p> <p>21 too, because the date is at the bottom.</p> <p>22 Q. So is that the date that you prepared this</p> <p>23 e-mail?</p> <p>24 A. It appears to be. It has the time on it</p> <p>25 and everything.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Did you cross through the number 50?</p> <p>2 A. As I counted how many there were.</p> <p>3 Q. So you wrote the number 53 above it?</p> <p>4 A. Yes.</p> <p>5 Q. This one also has some handwriting on the</p> <p>6 first page and it says, "As of 5/8/13."</p> <p>7 A. Yes.</p> <p>8 Q. Did you write that?</p> <p>9 A. Yes, I did.</p> <p>10 Q. And then the number on top, the top right</p> <p>11 corner, No. 543-2013-00091, did you write that?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And this one also has a date and time</p> <p>14 stamp and says, "EEOC Albuquerque Area Office</p> <p>15 Received." I can't read the specific date. Do you</p> <p>16 know when you submitted this?</p> <p>17 A. I don't know, but it looks like May 13th</p> <p>18 to me.</p> <p>19 Q. Okay.</p> <p>20 A. I don't have any recollection.</p> <p>21 Q. Do you believe it would have been around</p> <p>22 that time that you submitted it?</p> <p>23 A. Yes, I was trying to communicate my job</p> <p>24 search.</p> <p>25 Q. And to your knowledge is this a complete</p>

1 Exhibit 11 to your deposition.
 2 (Note: Exhibit 11 marked.)
 3 Q. Please review it, let me know when you
 4 have reviewed it and I will ask you some questions.
 5 A. Okay.
 6 Q. Are you familiar with this packet of
 7 documents?
 8 A. Yes.
 9 Q. To the best of your understanding, what
 10 does this packet of documents consist of?
 11 A. Another application for an opening in
 12 Questa.
 13 Q. And did you write this first page?
 14 A. Yes, ma'am, I did.
 15 Q. And on there there's a handwritten note,
 16 top left corner, "Declined 7/2/13, 8:27 a.m."
 17 A. Right.
 18 Q. Did you decline a position with Questa?
 19 A. No, they didn't offer me a position.
 20 Q. So is it your testimony that in 2013
 21 Questa did not offer you a job?
 22 A. Right. They offered me an interview.
 23 Q. Okay. And did you decline the interview?
 24 A. Yes. I had just gotten the job in Choctaw
 25 and was back in Oklahoma and they called me.

1 Q. I'm going to hand you what we'll mark as
 2 Exhibit 12 to your deposition.
 3 (Note: Exhibit 12 marked.)
 4 Q. Please review it, let me know when you
 5 have reviewed it and I will ask you some questions.
 6 A. Okay.
 7 Q. To the best of your knowledge, what do the
 8 documents consist of?
 9 A. Well, this is -- this looks like I
 10 contacted them and they had advertised a teaching
 11 position in October of 2016, so I e-mailed asking
 12 the principal what was open and she said she never
 13 received my e-mail.
 14 Q. And that was Michelle Gonzales?
 15 A. That's what it was. She said they had no
 16 openings, and then I asked what the grade was, what
 17 the vacancy was.
 18 Q. All right. And then was there further
 19 communication with Valerie Trujillo?
 20 A. Just what you see here. I check to see
 21 what openings they have and at that time it was a
 22 third grade position, but I knew better than to try,
 23 but I still dream about it.
 24 Q. Did you actually apply for a job with
 25 Questa in 2017?

1 A. No.
 2 Q. I will hand you what will be marked as
 3 Exhibit 13 to your deposition.
 4 (Note: Exhibit 13 marked.)
 5 Q. Now, on this set of documents, I don't
 6 have a signature or verification sheet for these.
 7 MS. GURULE: Do you know if you sent one?
 8 MR. WHITE: I don't off the top of my
 9 head.
 10 A. Go ahead.
 11 Q. Have you had time to read it?
 12 A. It could take a long time.
 13 Q. Please take your time and read through it.
 14 A. Okay.
 15 Q. Okay. Have you had time to review this?
 16 A. I looked over it.
 17 Q. Now, these state answers, "Defendant's
 18 First Set of Interrogatories to Plaintiff." Did you
 19 provide the information in the answers?
 20 A. Yes.
 21 Q. And is the information contained in these
 22 responses true and correct to the best of your
 23 knowledge and belief?
 24 A. To the best of my knowledge.
 25 Q. Now, I would like to ask you about a

1 couple of them in specific.
 2 A. All right.
 3 Q. In regard to Interrogatory No. 7, which is
 4 labeled as Page 8, it's got a list of employers and
 5 it ends with Edmond Public Schools. So after Edmond
 6 Public Schools you started working at Jones Public
 7 Schools; is that right?
 8 A. Right. I just got that after I filled
 9 this out.
 10 Q. And that's your current employer; is that
 11 right?
 12 A. Yes.
 13 Q. Is the position at Jones Public Schools an
 14 elementary teacher?
 15 A. Yes, it's third grade.
 16 Q. That's right. You said your current
 17 salary is approximately \$41,500 annually?
 18 A. Approximately.
 19 Q. And is there a particular school that you
 20 work at?
 21 A. Jones Elementary School.
 22 Q. It's just called Jones Elementary School?
 23 A. Yes, there's just one elementary school.
 24 Q. Now, going to Interrogatory No. 9 which is
 25 labeled as Page 11, on this one it states that you

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1 Mr. Herrera but a lot of other employees.

2 **Q. And to your knowledge, do any of those**
3 **interviews pertain to you?**

4 A. Only to establish the overstepping of
5 boundaries of the school board members that was
6 obviously found by the State Department or PED.

7 **Q. And Craig Johnson, is he the PED**
8 **investigator you were referring to?**

9 A. He wrote an interview and he wrote up his
10 report.

11 **Q. Have you had any direct communication with**
12 **Craig Johnson in this case?**

13 A. No, I don't think so. I did write PED
14 asking for help but they never responded so I don't
15 think I wrote to him. I don't know. I don't
16 recall.

17 **Q. Do you recall when you wrote to the PED?**

18 A. Before I filed the EEOC report I reached
19 out to -- I wrote to Ms. Sanchez and asked her for
20 an explanation and I contacted the New Mexico
21 Education Association for help and I wrote to PED
22 for help because it was so unusual and extraordinary
23 what happened that I just wanted an explanation.

24 **Q. The next one that you have here is Cici**
25 **Romo?**

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1 A. Yes.

2 **Q. And it's spelled C-I-C-Y here.**

3 A. I'm not sure.

4 **Q. Do you think it could be C-I-C-I?**

5 A. It could be.

6 **Q. So one of the --**

7 A. I think I have seen it two different ways.
8 It's the Cici I told you pulled me out of the
9 meeting.

10 **Q. The same Cici Romo that asked you to meet**
11 **with Mr. Herrera?**

12 A. Yes.

13 **Q. During the new teacher orientation in**
14 **2012?**

15 A. Yes.

16 **Q. Okay. And in regard to communications**
17 **that you had with Ms. Cici Romo, have you had other**
18 **communications with Ms. Romo other than that**
19 **discussion or --**

20 A. Yes.

21 **Q. Okay. What communications have you had**
22 **with Ms. Romo?**

23 A. The summer of 2013 after the job fell
24 through in 2012, and in the summer of 2013 Questa
25 had a job open and I didn't find out about it on the

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1 website. I only found out because there was a
2 little ad in the Taos News. I applied and Cici
3 called me.

4 **Q. What did she say?**

5 A. She was wanting to set up -- it was
6 several weeks after the deadline for application and
7 she wanted to set up an interview.

8 **Q. And what was your response?**

9 A. I just accepted a job in Oklahoma so I had
10 to turn it down.

11 **Q. So was that --**

12 A. But I knew --

13 **Q. Was that Exhibit 11, the application that**
14 **you submitted?**

15 A. Let me see.

16 **Q. It will be in your pile there.**

17 A. Eleven?

18 **Q. Yes, ma'am.**

19 A. Yes. They had a new superintendent. Yes,
20 this is probably that, and that's why I explained
21 myself, because she didn't know me.

22 **Q. All right. So you told her that you had**
23 **already gotten another job?**

24 A. Yeah. There was such a delay in them
25 contacting me I had already accepted the job at

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1 Choctaw. But they didn't offer me the job, they
2 just offered me an interview.

3 **Q. And you declined the interview, correct?**

4 A. Yes, I had already verbally accepted
5 another job and I keep my word the best I can.

6 **Q. Have you had any other communications with**
7 **Ms. Cici Romo?**

8 A. No.

9 **Q. In regard to the person that you believe**
10 **was hired instead of you in 2012, who do you believe**
11 **that person is?**

12 A. Well, the EEOC file was the first time I
13 had heard of this person and her name was Lisa Rael.

14 **Q. Do you know Ms. Rael's age?**

15 A. No, but she's younger than me. I know
16 that.

17 **Q. How did you come to learn that?**

18 A. The paperwork that went to EEOC, they had
19 to turn in her age.

20 **Q. Prior to that paperwork that you submitted**
21 **to the EEOC, did you have any knowledge about**
22 **Ms. Rael's age?**

23 A. No, I didn't even know who she was.

24 **Q. And do you know Ms. Rael's race?**

25 A. Yes, on the EEOC form it said Hispanic.

41 (Pages 158 to 161)